



January 23, 2004

SENATE BILL No. 261

DIGEST OF SB 261 (Updated January 22, 2004 11:52 am - DI jhm)

Citations Affected: IC 20-8.1.

Synopsis: Transfer tuition for certain students. Provides that a student who is placed in a facility, a home, or an institution may attend school in the school corporation in which the facility, home, or institution is located, and that the state is required to pay transfer tuition for the student if no other person or entity is required to pay the student's transfer tuition.

Effective: July 1, 2004.

Kenley

January 8, 2004, read first time and referred to Committee on Rules and Legislative Procedure.

January 22, 2004, amended; reassigned to Committee on Education and Career Development.

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SB 261—LS 6972/DI 13+



January 23, 2004

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

SENATE BILL No. 261

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 20-8.1-6.1-5, AS AMENDED BY P.L.215-2001,
2 SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2004]: Sec. 5. (a) A student who is placed in a state licensed
4 private or public health care facility, child care facility, or foster family
5 home:
6 (1) by or with the consent of the division of family and children;
7 (2) by a court order; or
8 (3) by a child-placing agency licensed by the division of family
9 and children;
10 may attend school in the school corporation in which the home or
11 facility is located. If the school corporation in which the home or
12 facility is located is not the school corporation in which the student has
13 legal settlement, the school corporation in which the student has legal
14 settlement shall pay the transfer tuition of the student.
15 (b) A student who is placed in a state licensed private or public
16 health care or child care facility by a parent or guardian may attend
17 school in the school corporation in which the facility is located if:

SB 261—LS 6972/DI 13+



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- (1) the placement is necessary for the student's physical or emotional health and well-being and, if the placement is in a health care facility, is recommended by a physician; and
- (2) the placement is projected to be for no less than fourteen (14) consecutive calendar days or an aggregate of twenty (20) calendar days.

The school corporation in which the student has legal settlement shall pay the transfer tuition of the student. The parent or guardian of the student shall notify the school corporation in which the facility is located and the school corporation of the student's legal settlement, if identifiable, of the placement. No later than thirty (30) days after this notice, the school corporation of legal settlement shall either pay the transfer tuition of the transferred student or appeal the payment by notice to the department of education. The acceptance or notice of appeal by the school corporation shall be given by certified mail to the parent or guardian of the student and any affected school corporation. In the case of a student who is not identified as disabled under IC 20-1-6, the Indiana state board of education shall make a determination on transfer tuition in accordance with the procedures set out in section 10 of this chapter. In the case of a student who has been identified as disabled under IC 20-1-6, the determination on transfer tuition shall be made in accordance with this subsection and the procedures adopted by the Indiana state board of education under IC 20-1-6-2.1(a)(5).

(c) A student who is placed in:

- (1) an institution operated by the division of disability, aging, and rehabilitative services or the division of mental health and addiction; or
- (2) an institution, a public or private facility, a home, a group home, or an alternative family setting by the division of disability, aging, and rehabilitative services or the division of mental health and addiction;

may attend school in the school corporation in which the institution is located. The state shall pay the transfer tuition of the student, unless another entity is required to pay the transfer tuition as a result of a placement described in subsection (a) or (b) or another state is obligated to pay the transfer tuition.

(d) A student:

- (1) who is placed in a facility, a home, or an institution described in subsection (a), (b), or (c); and**
- (2) for whom there is no other entity or person required to pay transfer tuition;**

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1 **may attend school in the school corporation in which the facility,**
2 **home, or institution is located. The department shall conduct an**
3 **investigation and determine whether any other entity or person is**
4 **required to pay transfer tuition. If the department determines that**
5 **no other entity or person is required to pay transfer tuition, the**
6 **state shall pay the transfer tuition for the student.**

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COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 261, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Education and Career Development.

(Reference is to SB 261 as introduced.)

GARTON, Chairperson

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